IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14681 of 2004

Between:

Sri. D. Dadapeera S/o. Late Syed Hussain Peera,
R/o. Mantriki Village, Adoni Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Mantriki Village, Adoni, Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd respondent bearing Rc.M.755/2004 Dt. 23.7.2004, as illegal, void and ultravires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System) Order 1973 and consequently direct the respondents herein to restore the authorisation of the Fair Price Shop of the petitioner situated in Mantriki Village, Adoni Mandal, Kurnool District.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER :-

The petitioner is a fair price shop dealer of Mantriki village, Adoni Mandal. His authorization has been suspended pending enquiry alleging certain irregularities in distribution of commodities vide proceedings of the Revenue Divisional Officer, Adoni dated 23.07.2004, which are under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The learned Counsel for the petitioner contends that all the allegations made against the petitioner in the order of suspension, dated 23.07.2004 are false and baseless and at any rate they are trivial in nature. Therefore, the second respondent is not justified in suspending the authorization of the petitioner. It is to be noted that the petitioner has already preferred an appeal against the said order before the first respondent along with an application for stay and the same is pending.

In the circumstances, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-The Joint Collector, Kurnool, Kurnool District to dispose of the application for stay filed by the petitioner in his appeal against the order of the Revenue Divisional Officer, Adoni dated 23.07.2004 and pass appropriate orders in accordance with law as expeditiously as possible preferably with a period of two weeks from the date of receipt of a copy of this order. Keeping in view the plea of the petitioner that though he filed an Appeal on 05-08-2004, the first respondent failed to consider the

application for stay and that no alternative arrangements have been made so far for distribution of the commodities in respect of the shop in question, there shall be a further direction to the respondents not to implement the order of suspension dated 23.07.2004 till the application for stay is disposed of by the first respondent.

The writ petition is accordingly disposed of. No costs.

19-08-2004

klp

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Mantriki Village, Adoni, Mandal, Kurnool District.

4 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad(OUT)

5 2CD copies